

ORDINANCE NO. 2004 - 027

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE **FUTURE LAND USE ELEMENT** (TO REVISE AND UPDATE LANGUAGE REGARDING THE WORKFORCE HOUSING PROGRAM); **TRANSPORTATION ELEMENT** (TO REVISE AND UPDATE A POLICY REGARDING THE TRAFFIC PERFORMANCE STANDARDS (TPS) AFFORDABLE HOUSING EXCEPTIONS AND TRAFFIC MITIGATION MEASURES) **HOUSING ELEMENT** (TO REVISE LANGUAGE TO ESTABLISH A WORKFORCE HOUSING PROGRAM); **HEALTH & HUMAN SERVICES ELEMENT** (TO REVISE, UPDATE AND DELETE OUTDATED POLICIES TO REFLECT CURRENT CONDITIONS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27, and March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and

1 Comments Report," dated June 19, 2004 which was the Department's
2 written review of the proposed Comprehensive Plan amendments; and

3 WHEREAS, the written comments submitted by the Department of
4 Community Affairs contained no objections to the amendments contained
5 in this ordinance;

6 WHEREAS, on August 24, 2004 the Palm Beach County Board of County
7 Commissioners held a public hearing to review the written comments
8 submitted by the Department of Community Affairs and to consider
9 adoption of the amendments; and

10 WHEREAS, the Palm Beach County Board of County Commissioners has
11 determined that the amendments comply with all requirements of the
12 Local Government Comprehensive Planning and Land Development
13 Regulations Act.

14 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
15 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

16 Part I. Amendments to the 1989 Comprehensive Plan

17 Amendments to the text of the following Element of the 1989
18 Comprehensive Plan are hereby adopted and attached to this Ordinance
19 in Exhibit 1:

- 20 A. Future Land Use Element, To revise and update language
21 regarding the Workforce Housing Program;
- 22 B. Transportation Element, To revise and update a policy
23 regarding the Traffic Performance Standards (TPS)
24 affordable housing exceptions and traffic mitigation
25 measures;
- 26 C. Housing Element, To revise language to establish a
27 Workforce Housing Program;
- 28 D. Health and Human Services Element, To revise, update and
29 delete outdated policies to reflect current conditions; and
- 30 E. Amending all elements as necessary for internal
31 consistency.
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1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.
31 Then, it shall no longer be part of the adopted plan unless the local

1 government adopts a resolution affirming its effectiveness in the
2 manner provided by law.

3 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
4 Beach County, on the 24 day of August, 2004.

5
6 ATTEST:

7 DOROTHY H. WILKINSON, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

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9
10 By: Linda C. Wilkin BY Karen T. Marcus for

11 Deputy Clerk

12 Karen T. Marcus, Chair

13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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16 COUNTY ATTORNEY

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18 Filed with the Department of State on the 30 day of
19 August, 2004.

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EXHIBIT 1

A. Future Land Use Element, Workforce Housing Program

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.2 Urban/Suburban Tier

REVISED Policy 1.2-d: The County may allow an increase in density greater than the HR-12 Future Land Use category in appropriate areas within the County to direct growth away from natural resources and to use infrastructure more efficiently if the proposed development applies one of the following:

1. ~~The Voluntary Density Bonus Program for Planned Development Districts~~ Workforce Housing program which allows an opportunity to that sets aside a certain percentage of units for affordable housing, as described in the policies in Housing Element Objective 1.1 and 1.5;
2. The Transfer of Development Rights (TDR) Program as described in Objective 2.6;
3. ~~The affordable housing provisions of Housing Objective 1.1;~~
- 4-3. The provisions of a Special Overlay as described in Future Land Use Table 2.1-3; or
- 5-4. The Traditional Neighborhood Development, Traditional Marketplace Development, Traditional Town Development, Mixed-use Planned Development districts, or Transit Oriented Development option.

REVISED Policy 1.2-e: To facilitate development of affordable housing, the County shall not require an amendment to the Future Land Use Atlas to increase the density higher than the future land use category, provided the development is consistent with ~~Voluntary Density Bonus the Workforce Housing Program (VDB) described, and the studies analysis~~ required by policies in Housing Objective 1.1 and 1.5. and the within the ULDC.

Objective 2.2 Future Land Use Provisions - General

REVISED Policy 2.2.10-b: In approving a TTD designation, the BCC may allow a residential density increase of up to an additional two (2) dwelling units per acre over the underlying land use. If the underlying land use is one (1) dwelling unit per acre, an amendment to TTD will permit the property to be developed at a density of up to three (3) dwelling units per acre. (The designation would be TTD 3/LR-1.) Additional densities (up to 18 units per acre) can also be achieved, where appropriate, only through the use of the Transfer Development Rights (TDR) Program or the ~~Voluntary Density Bonus Program~~ Workforce Housing Program.

Objective 2.2.11 Multiple Land Use

REVISED Policy 2.2.11-b: The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:

1. Underlying Land Use Designations: The project must have a minimum of two different land use designations at least one of which shall be residential (i.e. Residential, Commercial, Industrial). The project shall have minimum and maximum acreages and intensities/densities for each land use. The following criteria shall apply towards the land use designations:
 - a) Residential Density: The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted with the original residential land use category (if the property has a non-residential land use designation, then the density permitted shall be determined by the Planning Director, based on consistency with surrounding land use designations) at the time the amendment is submitted for projects which include significant vertical integration (involving a minimum of 10% of the total allowed dwelling units). Projects that demonstrate only horizontal integration may receive a maximum of 50% of the density permitted for the entire parcel. However, the maximum allowed number of units may be reduced and limited by the County during the review process. Additional density may be allowed, through the

Transfer of Development Rights program and/or the ~~Voluntary Density Bonus Program~~ Workforce Housing Program following an approval of an MLU project.

Objective 2.6 Transfer of Development Rights

REVISED Policy 2.6-b: The Transfer of Development Rights program shall be the required method for increasing density within the County, unless an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or the applicant is using the ~~Voluntary Density Bonus~~ Workforce Housing Program, as outlined in the Housing Element of the Comprehensive Plan and the Palm Beach County Unified Land Development Code.

IMPLEMENTATION

REVISED Standard and Maximum Density Exemptions – Urban/Suburban Tier. Densities greater than those indicated in Table 2.1-1 may be granted as follows:

- 1. Parcels may achieve up to the Maximum Density pursuant to FLUE Policy 1.2.2-a (for infill), or FLUE Policy 1.2-g (for mobile home parks);
- 2. Parcels may be granted density above the Standard and/or Maximum Density pursuant to the Transfer of Development Rights Program, ~~Voluntary Density Bonus~~ Workforce Housing Program, and/or a Special Overlay outlined in this Element;
- 3. Parcels that are developed as Traditional Town Developments.

B. Transportation Element, Workforce Housing Program

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.2 Level of Service Exceptions

REVISED Policy 1.2-b: Special methodologies shall be established as set forth in this policy and the Traffic Performance Standards affordable provision within the ULDC to encourage and facilitate the development and geographic dispersal of very low, ~~and low, and moderate~~ income housing throughout the County. Two types of housing developments (projects) may qualify for the special methodologies. ~~These are mixed housing and 100 percent very low and low income housing developments. The cumulative impact from both mixed housing projects and 100% affordable housing projects shall three percent (3%) of the peak season, peak hour Level of Service D Standard on any link.~~

1. MIXED HOUSING

Mixed housing projects which include both market rate and affordable units and which promote a balance of housing opportunities, need not meet the level of service standards of this Element if the project traffic is less than or equal to three percent (3 %) of the peak season, peak hour Level of Service D Standard on any Link.

2. ~~100 PERCENT VERY LOW AND LOW INCOME HOUSING~~

~~An affordable housing project that consists of one hundred percent (100%) very low and low income housing units need not meet the level of service standards of this Element if the project traffic is less than or equal to one percent (1%) of the peak season, peak hour Level of Service D Standard on any link. Traffic from these projects may not cumulatively exceed one percent (1%) of peak season, peak hour, Level of Service D Standard on any link in any one year. The maximum cumulative traffic from these projects on any link is three percent (3%) of the peak season, peak hour Level of Service D Standard.~~

3. WORKFORCE HOUSING

Palm Beach County shall establish a Workforce Housing Program, which will only apply within the Urban-Suburban Tier of the unincorporated County and/or the Scientific Community Overlay. As a result the following Traffic Performance Standards affordable provisions shall be available only for County unincorporated developments that meet the Workforce Housing Program criteria.

Special methodologies shall be established consistent with this policy in the Traffic Performance Standards affordable housing provision within the ULDC to encourage and facilitate the development and geographic dispersal of very low, low, and moderate income housing within the Urban-Suburban Tier of the unincorporated County.

Mixed housing projects located within the Urban-Suburban Tier of the unincorporated County and/or the Scientific Community Overlay which include both market rate and affordable units and promote a balance of housing opportunities, need not meet the level of service standards of this Element if the project traffic is less than or equal to up to five percent (5%) of the peak season, peak hour Level of Service D Standard on any Link or Intersection, as provided in the ULDC.

C. Housing Element, Workforce Housing Program

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.1 Provision of Affordable Housing

REVISED Policy 1.1-o: The County shall preserve affordability of affordable housing units developed through the ~~Voluntary Density Bonus (VDB) program and the Traffic Performance Standards (TPS) affordable housing exception the Workforce Housing program.~~ The ULDC shall specify the income groups to be addressed in each program. The household income levels to be targeted will include a combination of very low income (50% of median income or less) low income (50%-80% of median income) and moderate income (80-120% of median income) households. ~~The County shall require that~~ The affordable units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of 10 years for ownership units and for a period of up to 20 years for rental units. The conditions shall continue to be subject to the review and approval of the Board of County Commissioners.

Objective 1.5 Concentrations of Affordable Housing

REVISED The County shall make adequate provisions to enable the public, private and not-for-profit sectors to provide affordable housing, and shall support the distribution of housing for very low, low and moderate income households, to avoid concentrations of affordable housing throughout the County through the ~~Voluntary Density Bonus (VDB) program and other programs Workforce Housing Program.~~ The target of these efforts is that the concentration of very low and low income households in any sector of the County shall not be made to exceed 40%, as a result of the approval of any new VDB projects.

DELETED Policy 1.5-b: ~~The County shall continue to provide for affordable housing utilizing the Voluntary Density Bonus Program (VDBP) which allows for an increase in permitted density in exchange for the construction of affordable housing on site or off site; or a payment in lieu of construction of very low income housing units into the Housing Trust Fund; or a combination of construction and an in-lieu payment. In order to discourage concentrations of affordable housing, the ULDC requirements shall include an analysis of very low and low income household concentrations to assess the potential impact of the VDB. A VDB development shall at a minimum provide 40 % of the bonus units as affordable housing units, provide guarantees which maintain affordability, which includes appropriate legal assurances that the project shall be occupied only by very low and low income families for at least 10 years for a for-sale development or at least 20 years for a rental development, distribute all affordable units throughout the development, provide varied bedroom and floor area options similar to those of the affordable units within the development and also distribute very low and low income households equitably so that there is no undue concentration, within the County, due to the VDB. The Planning Division shall continue to be responsible for implementation of this program. The Land Use Advisory Board shall be responsible for recommending the maximum density to be allowed under this program. All VDBP petitions shall be approved, approved with conditions, or denied by the Board of County Commissioners.~~

DELETED Policy 1.5-c: ~~The County shall continue to provide affordable housing utilizing the Voluntary Density Bonus Program (VDBP) in accordance with Section 6.9 of the Unified Land Development Code, which allows for an increase in permitted density in exchange for the construction of affordable housing on site or off site; or a payment in lieu of construction of very low income housing units into the Housing Trust Fund; or a combination of construction and an in-lieu payment. Residential development participating in the program may pay a fee in lieu of~~

construction into the Housing Trust Fund, on a per unit basis, equal to 1.2 times the housing unit's production cost. The program also includes an analysis of very low and low income household concentrations to assess the impact of the VDB. The Planning Division shall continue to be responsible for implementation of this program.

Development that is eligible for the voluntary density bonus must:

1. be located within the Urban Suburban Tier;
2. demonstrate its ability to meet all concurrency requirements at the level of impact calculated at the "bonus" density or intensity; and
3. demonstrate proximity to public transportation and employment opportunities.

The Land Use Advisory Board shall be responsible for recommending the maximum density allowed under this program. All VDBP petitions shall be approved, approved with conditions, or denied by the Board of County Commissioners.

REVISED Policy 1.5-g: By December 2003, ~~the~~ County shall consider establishing a Workforce Housing Program to require that allow new residential developments the opportunity to provide a percentage of housing units for lower income households, as a means to meet affordable housing needs and to disperse that needed housing in the unincorporated County. The Board of County Commissioners shall appoint an advisory group to provide recommendations to the Board regarding the viability of such a program and appropriate program parameters. In order to achieve and encourage affordable housing units within residential developments incentives shall be offered to developments that meet certain criteria. The Planning, Zoning and Building Department shall be responsible for implementation of this program.

The Workforce Housing development evaluation shall address specific parameters criteria, including but not limited to:

1. ~~threshold size of affected development;~~
 2. ~~program implementation area;~~
 3. ~~unit types;~~
 4. ~~household income levels;~~
 5. ~~appropriate density increase;~~
 6. ~~resale controls;~~
 7. ~~physical unit requirements; and,~~
 8. ~~mitigation options.~~
1. eligible developments are to be located inside the Urban Suburban Tier and/or the Scientific Community Overlay;
 2. eligible developments must have a minimum number of 10 permitted units;
 3. the percentage of units required to be affordable shall be up to 100% of the density bonus units;
 4. affordable units can be both rental units and for sale units;
 5. affordable units are to be integrated within the project; and designed to be compatible with overall development;
 6. rental unit and resale unit affordability controls shall be guaranteed for a period of 10 years for ownership units and 20 years for rental units;
 7. developments may be allowed based on location, existing very-low and low income concentrations, and land use compatibility, in any of the following land use categories: Residential (LR1-HR18 only); Commercial (mixed use); Industrial (mixed use); Economic Development Center; Institutional and Public Facilities, Traditional Town Development (TTD); and, Multiple Land Use (MLU).
 8. developments are required to be located near mass transportation and/or employment centers.

Developer incentives should include:

1. traffic concurrency mitigation will be applied to the entire project;
2. an expedited permit, zoning, and land use site plan approval process including engineering platting procedures; and,
3. a method to effectively offset impact fees and other development fees for the affordable units only, may be included;
4. a density bonus of at least 10% and up to 100% percent of the permitted density, may be allowed based on location, existing very-low and low income concentrations, and land use compatibility;
5. developer incentives will be provided on a sliding scale with more incentives for very low income units to less incentives for moderate income units based on the type of residential unit, location, existing very-low and low income concentrations, and land use compatibility.

New Policy 1.5-h: Following the establishment of the voluntary Workforce Housing Program the Planning Division shall prepare an annual report that describes all Workforce Housing Program activities during the previous year. The annual report shall be provided to the Board of County Commissioners.

Three years after the adoption of the ULDC amendments implementing the Workforce Housing Program, the Board of County Commissioners shall evaluate the effectiveness of the program and decide if the program should remain voluntary or become a mandatory requirement.

D. Health and Human Services Element, Health and Human Services Element Revisions

REVISIONS: To revise and update in order to clarify intent. The revisions are shown with the added text underlined, and the deleted text ~~struck out~~.

GOAL 2: HUMAN SERVICES

OBJECTIVE 2.5 Reducing Poverty

~~DELETED Policy 2.5-d: The Senior Aid/Senior Employment Program will assist eligible adults 55 years and older obtain employment. This will be accomplished by providing on-the-job training, job interview coaching, resume development, work experience development, and job placement.~~

OBJECTIVE 2.7 Advocacy

REVISED Policy 2.7-a: The Division of Human Services/Veterans Services will collect data during FY 01/02 from Financially Assisted Agency service providers regarding clients who may be WAGES eligible. The purpose of this project is to retain surplus TANF funds for pre-vocational training and services in Palm Beach County.

GOAL 3: BEHAVIORAL HEALTH

OBJECTIVE 3.1 Core Services

~~DELETED Policy 3.1-a: Palm Beach County will continue to recognize the role of the Florida Department of Children and Families (Alcohol, Drug Abuse, Mental Health Program) as the lead agency to define core behavioral health treatment services.~~

Policy 3.1-b: a: In collaboration with community partners, Palm Beach County will identify its role and responsibility with respect to funding core behavioral health treatment services.

Policy 3.1-e: b: The Department of Community Services will make recommendations about funding for behavioral health services on an annual basis to the Board of County Commissioners.

OBJECTIVE 3.2 Availability of Core Services

REVISED Policy 3.2-a: ~~Palm Beach County will continue to recognize the role of the Florida Department of Children and Families (Alcohol, Drug Abuse, Mental Health Program) as the lead agency to assess the availability of core behavioral health treatment services.~~ The assessment of core behavioral health treatment services as defined by SAMSA will be reviewed by the Palm Beach County Department of Community Services and Citizens Advisory Committee on Health and Human Services on a periodic basis.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 24, 2004
DATED at West Palm Beach, FL on 10/21/04.
DOROTHY H. WILKEN, Clerk
By: Walter Brown D.C.